SEP 2 6 2001

Wayne Taylor, Jr. Chairman The Hopi Tribe P.O. Box 123 Kykotsmovi, AZ 86039



Re:

FS-98969501-2

Drinking Water Infrastructure Tribal Set-Aside Program - Moenkopi

Dear Chairman Taylor:

The United States Environmental Protection Agency (EPA) is pleased to offer an Amendment for the program described on the enclosed agreement. Please review the conditions of the initial agreement as well as any new conditions which may have been added with this Amendment.

It is important to note that this Amendment is subject to the same Federal Regulations which have previously been furnished to you. If you wish to accept this offer, please sign and date both originals of the enclosed Amendment and return one original to the Grants Management Office, PMD-7, within three weeks of receipt. A copy of this Amendment is being forwarded to your staff as noted below.

The Amendment identifies the EPA Project Officer and EPA Grant Specialist who will be working with you and your staff. If you or your staff have any questions of a programmatic nature, please contact your EPA Project Officer. Questions relating to administrative or fiscal matters should be directed to your EPA Grants Specialist.

Sincerely,

Alexis Strauss Director Water Division

Enclosures

cc:

Nat Nutongla, HT (w/attach)

John Carpenter, HT (w/attach)

bc:

Kevin Ryan, WTR-6 (w/attach)

PMD-6 (award only)

MAIL CODE	PMD-7	P-1	WIRL	WTR-1	L	
SURNAME	Stall	Nm	£':	JT/8-		
DATE	9/5/01	9-6-61	9.10.000	7/11/11		

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY

RETURN TO EPA, PMD-7

FS - 98969501 - 1 Page 1 ASSISTANCE ID NO. DATE OF AWARD PRG DOC ID AMEND# U.S. ENVIRONMENTAL FEB 27 2001 FS -98969501 PROTECTION AGENCY MAILING DATE TYPE OF ACTION FEB 27 2001 No Cost Amendment **PAYMENT METHOD: Assistance Amendment** Advance Send Payment Request to: RECIPIENT TYPE: Grants Management Office, PMD-7 Indian Tribe PAYEE: RECIPIENT: The Hopi Tribe The Hopi Tribe P.O. Box 123 P.O. Box 123 Kykotsmovi, AZ 86039 Kykotsmovi, AZ 86039 EIN: 86-0134082 **EPA GRANT SPECIALIST EPA PROJECT OFFICER** PROJECT MANAGER Flizabeth Stahl Kevin Ryan Nat A. Nutongla 75 Hawthorne Street, WTR-6 Grants Management Office, PMD-7 P.O. Box 123 E-Mail: stahl.elizabeth@epa.gov San Francisco, CA 94105 Kykotsmovi, AZ 86039 Phone: 415-744-1689 E-Mail: ryan.kevin@epa.gov E-Mail: Phone: 415-744-2052 Phone: (520) 734-3000 PROJECT TITLE AND DESCRIPTION DRINKING WATER INFRASTRUCTURE TRIBAL SET-ASIDE PROGRAM-MOENKOPI This amendment extends the project and budget period ending dates from February 28, 2001 to August 31, 2001. There is no change in the total approved EPA assistance amount of \$42,000. TOTAL BUDGET PERIOD COST TOTAL PROJECT PERIOD COST PROJECT PERIOD **BUDGET PERIOD** \$42,000.00 10/01/2000 - 08/31/2001 10/01/2000 - 08/31/2001 \$42,000.00 NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement. OFFER AND ACCEPTANCE The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers for 100.00 % of all approved costs incurred The Hopi Tribe for 100.00 % of all approved costs incurred for the support of approved budget period effort described in application (including Assistance/Amendment to the \$42,000 up to and not exceeding ____ all application modifications) cited in the Project Title and Description above, signed _______02/15/2001 included herein by reference. ISSUING OFFICE (GRANTS MANAGEMENT OFFICE) AWARD APPROVAL OFFICE ORGANIZATION / ADDRESS ORGANIZATION / ADDRESS U.S. EPA, Region 9 U.S. EPA, Region 9 Water Division Grants Management Office, PMD-7 75 Hawthorne Street 75 Hawthorne Street San Francisco, CA 94105 San Francisco, CA 94105 THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY DATE TYPED NAME AND TITLE SIGNATURE OF AWARD OFFICIAL FEB 27 2001 Melinda Taplin, Grants Management Officer

This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

/ BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

TYPED NAME AND TITLE

Wayne Taylor Jr., Chairman

MAR 1 9 2001 GMO, PMD-7



16:001 - 120:01

EPA Funding Information

FS - 98969501 - 1 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 42,000	\$	\$ 42,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$0	\$	\$ 0
Other Federal Funds	\$0	\$	\$ 0
Recipient Contribution	\$0	\$	\$ 0
State Contribution	\$0	\$	\$ 0
Local Contribution	\$0	\$	\$0
Other Contribution	\$0	\$	\$ 0
Allowable Project Cost	\$ 42,000	\$0	\$ 42,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority	
66.468 - Safe Drinking Water State Revolving Fund	Safe Drinking Water Act Section 1452	40 CFR PART 31	
			24 · · ·

	Fiscal								
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
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			10						
							2		
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									(w)

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$2,000
6. Contractual	\$40,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$42,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient % Federal 100.00 %.)	\$42,000
12. Total Approved Assistance Amount	\$42,000
13. Program Income	\$0

Administrative Conditions

conditions numbered 1 through 10 and 13 through 15 of the initial assistance agreement awarded September 29, 2000 remain in full force and effect. Conditions numbered 11 and 12 have been revised as follows:

11. A mid-project status report for the period October 1 - February 28, 2001 must be submitted by the Hopi Tribe Water Resources Program to the EPA Project Officer by March 31, 2001. The contents of the report will include:

renser

- a. a short summary of accomplishments during the report period;
- b. a narrative on progress in completing the individual project tasks;
- c. the dates specific tasks were completed;
- d. the projected accomplishments for the next reporting period, a summary of financial information (i.e., expenses to date compared to work completed and remaining funds compared to tasks yet to be completed); and
- e. information on activities of the workplan that are not expected to be competed or problematic in implementing, or other information as request by the EPA Project Officer.
- 12. A final project report must be submitted to the EPA Project Officer no later than 30 days after completion of all activities. The report will document the project activities, the recipient's achievements with respect to the project's objective, and any unexpended funds.

delete OK.

--- end of agreement --

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AND PROTECTION	G	rant Ag	reement	PAYMEN Advance	T METHOD:) 		ACH#
RECIPIENT TYPE:		New York			ment Reque	est to:		
Indian Tribe					anagement O	ffice, PMD)-7	
RECIPIENT:		-		PAYEE: The Hopi	Tribo			
The Hopi Tribe P.O. Box 123				P.O. Box				
Kykotsmovi, AZ 86039 EIN: 86-0134082				Kykotsmo	vi, AZ 86039			
PROJECT MANAGER			EPA PROJECT OFFICER	3			ANT SPECI	ALIST
Nat A. Nutongla P.O. Box 123			Kevin Ryan 75 Hawthorne Street, WTI	R_6		Elizabeth	100-100-100-100	Office, PMD-7
Kykotsmovi, AZ 86039			San Francisco, CA 94105			E-Mail:	stahl.elizabe	th@epa.gov
E-Mail:			E-Mail: ryan.kevin@epa.g Phone: 415-744-2052	gov		Phone: 4	115-744-168	9
Phone: (520) 734-3000	FACEUTION		Priorie: 415-744-2052					
PROJECT TITLE AND D DRINKING WATER INFI		TRIBAL S	ET-ASIDE PROGRAM-MC	ENKOPI				
This agreement provides	EPA funding in th	e amount o	of \$42,000 for the Moenkop	i Villages pu	blic water sys	stems plan	ning and co	nceptual design activities.
BUDGET PERIOD	1	PROJECT	PERIOD		UDGET PER	IOD COS	T TOT	AL PROJECT PERIOD COST
10/01/2000 - 02/28/200	1 '	10/01/2000	0 - 02/28/2001	\$42,000.0	0		\$42,0	00.00
change to the A	greement by the	e Recipier	at within the prescribed ting the subsequent to the docu Agreement, shall void the OFFER AND A	ment being e Agreemei	signed by t it.	the EPA A	of the offer ward Offici	by the Agency. Any al, which the Award
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ORGANIZATION / ADDI					ZATION / AD			
U.S. EPA, Region 9	See DMD 7			U.S. EPA,				
Grants Management Off 75 Hawthorne Street	ice, PMD-7			Water Div	sion rne Street			
San Francisco, CA 9410	15			San Franc	isco, CA 941	05		
		D STATES	OF AMERICA BY THE U	S. ENVIRO	NMENTAL F	ROTECT	ION AGENO	Y
SIGNATURE OF AWAR	DOFFICIAL		TYPED NAME AND		delen			SEP 2 9 2000
1 your	30.00	,	Alexis Strauss, Direct			21.00	7025	~ 0 2000
/accepting this a authorized to a provisions of 4	ward or amendr of on behalf of the OCFR Chapter 1 constitutes an ag	nent and ne recipier , Subchar	J.S. Environmental Protections I.S. Environmental Protections I.S. Environmental Protection I.S. Environmental Protection	uant theret e recipient ns of this a	o, (1) the un agrees (a) ti greement (a	dersigned hat the aw nd all atta	l represent ard is subj chments),	s that he is duly ect to the applicable and (b) that acceptance of
	B,	Y AND ON	BEHALF OF THE DESIG	NATED RE	CIPIENT OR	GANIZAT	ION	
SIGNATURE	a Darp	h	TYPED NAME AND T Wayne Taylor Jr., Cha					DATE 10/20100
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EPA Funding Information

FS - 98969501 - 0 Page 2

		THIS ACTION	AMENDED TOTAL
	FORMER AWARD		\$ 42,000
FUNDS	\$	\$ 42,000	Ψ 12,000
EPA Amount This Action		9	\$ 0
	\$	*	
EPA In-Kind Amount		\$	\$ 0
Unexpended Prior Year Balance	\$		\$0
Unexpended Prior Teal Balance	9	\$	\$ 0
Other Federal Funds	*		\$ 0
	\$	2	
Recipient Contribution		S	\$ 0
	\$		\$ 0
State Contribution	e	\$	\$ 0
Local Contribution	*		\$ 0
	\$	\$	
Other Contribution		\$ 42,000	\$ 42,000
	\$0	V 12,000	
Allowable Project Cost			

Assistance Program (CFDA) 66.468 - Safe Drinking Water State Revolving Fund	Statutory Authority Safe Drinking Water Act Section 1452	Regulatory Authority 40 CFR PART 31	
00.400 - 0010 5			
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				Fiscal		Object.	Site/Project	Cost	Obligation /
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class		Organization	Deobligation
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Budget Summary Page Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	. \$0
	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$2,000
5. Supplies	
6. Contractual	\$40,000
7. Construction	\$0
8. Other	\$0
	\$42,000
9. Total Direct Charges	\$0
10. Indirect Costs: % Base	\$42,000
11. Total (Share: Recipient % Federal 100.00 %.)	\$42,000
12. Total Approved Assistance Amount	
13. Program Income	\$0

FS-98969501-0 Page 5

- f. If the prime contractor awards contracts/procurements, require the contractor to take the affirmative steps in subparagraphs a. through e. of this condition.
- 5. The cost principles of OMB Circular A-87 are applicable to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.
- 6. Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.
- 7. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.
- 8. Payment to consultants. Per 40 CFR **Part 31.36(j),** EPA will limit its participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors to the maximum daily rate for a GS-18, which is equivalent to level 4 of the Executive Schedule, to be adjusted annually. Subagreements with firms for services which are awarded using the procurement requirements in this part are not affected by this limitation.
- 9. The Tribal Set-Aside Program requires that all water systems requesting project funding are in compliance with the Safe Drinking Water Act (SDWA) and have adequate provisions for long-term operation and maintenance, which is measured in terms of how well an owner of a public water system meets the criteria of technical, managerial, and financial capacity (TMF). The Hopi Tribe and Upper and Lower Moenkopi Villages must comply with the following capacity requirements (technical, managerial, and financial):
 - a. Technical capacity refers to the technical knowledge of the system personnel and their ability to use that knowledge to adequately operate the system.
 - b. Managerial capacity includes the ability of the owner to adequately staff the system with qualified personnel, an understanding of the regulatory requirements involved in operating a water system, and the ability to interact well with customers and the regulating authority [(the Environmental Protection Agency (EPA)].

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FS-98969501-0 Page 6

c. Financial capacity - includes the ability of the owner to maintain sufficient revenues to cover operation costs and the effective management of those resources in operating the system.

To assist in ensuring that TMF capacity requirements are met, the Villages of Upper and Lower Moenkopi will execute a Memorandum of Agreement (MOA) by February 28, 2001. This MOA shall be based on the June 26, 2000 Letter of Intent outlining the responsibilities for the operation and maintenance of their own distribution system, and to equitably share any costs and responsibilities associated with joint ownership and operation of a consolidated public water system serving their respective villages. In addition, the public water systems in the project area shall continue to be operated by their existing management until the MOA is signed and in effect.

10. All monitoring and reporting requirements for the Moenkopi public water systems shall be maintained pursuant to the Safe Drinking Water Act.

Jeep

- 11. A mid-project status report for the period October 1 November 30, 2000 must be submitted by the Hopi Tribe Water Resources Program to the EPA Project Officer by December 8, 2000. The contents of the report will include:
 - a. a short summary of accomplishments during the report period;
 - b. a narrative on progress in completing the individual project tasks;
 - c. the dates specific tasks were completed;
 - d. the projected accomplishments for the next reporting period, a summary of financial information (i.e., expenses to date compared to work completed and remaining funds compared to tasks yet to be completed); and
 - e. information on activities of the workplan that are not expected to be competed or problematic in implementing, or other information as request by the EPA Project Officer.
- 12. A final project report must be submitted to the EPA Project Officer by February 28, 2001 or no later than 30 days after completion of all activities. The report will document the project activities, the recipient's achievements with respect to the project's objective, and any unexpended funds.
- 13. All project reports, National Environmental Policy Act (NEPA) studies and associated technical documents developed under this grant will be forwarded upon completion to the EPA Project Officer.

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FS-98969501-0 Page 7

14. For the purposes of this agreement, fees paid to the water system by users, such as monthly user fees and installation charges, and any other income generated by this project is considered program income. Program income may be added to the amount of this award and used for eligible costs under OMB Circular A-87 to maintain and operate the public water system, which includes any collection, treatment, storage, and distribution facilities under control of the operator of such system. 40 CFR 31.25(g)(2).

In accordance with 40 CFR 31.25(h) this agreement is subject to program income requirements after the award period. After the end of the award period, the assistance agreement recipient shall use program income in a manner consistent with this term and condition of the assistance agreement affecting disposal of program income and eligible costs. The assistance agreement recipient shall maintain appropriate records to document compliance with these requirements (i.e., records relating to the use of post-award program income). 40 CFR 31.42(c)(3). EPA may request access to these records or may negotiate post closeout reporting requirements to verify that post-award program income has been used in accordance with the terms and conditions of the original agreement.

15. Construction may not begin until a National Environmental Policy Act (NEPA) environmental review and documentation acceptable to ALL parties is completed for all complete drinking water system alternatives under consideration for the facility.

--- end of agreement --

RETURN TO EPA, PMD-7

FS - 98969501 - 1 Page 1 ASSISTANCE ID NO. PRG DOCID AMEND# DATE OF AWARD U.S. ENVIRONMENTAL FS -FEB 27 2001 98969501 - 1 PROTECTION AGENCY TYPE OF ACTION MAILING DATE No Cost Amendment FEB 27 2001 Wat butter **PAYMENT METHOD:** ACH# Assistance Amendment Advance RECIPIENT TYPE: Send Payment Request to: Indian Tribe Grants Management Office, PMD-7 PAYEE: RECIPIENT: The Hopi Tribe The Hopi Tribe P.O. Box 123 P.O. Box 123 Kykotsmovi, AZ 86039 Kykotsmovi, AZ 86039 EIN: 86-0134082 PROJECT MANAGER **EPA PROJECT OFFICER EPA GRANT SPECIALIST** Kevin Ryan Elizabeth Stahl Nat A. Nutongla P.O. Box 123 75 Hawthorne Street, WTR-6 Grants Management Office, PMD-7 Kykotsmovi, AZ 86039 San Francisco, CA 94105 E-Mail: stahl.elizabeth@epa.gov E-Mail: E-Mail: ryan.kevin@epa.gov Phone: 415-744-1689 Phone: (520) 734-3000 Phone: 415-744-2052 PROJECT TITLE AND DESCRIPTION DRINKING WATER INFRASTRUCTURE TRIBAL SET-ASIDE PROGRAM-MOENKOPI This amendment extends the project and budget period ending dates from February 28, 2001 to August 31, 2001. There is no change in the total approved EPA assistance amount of \$42,000. **BUDGET PERIOD** PROJECT PERIOD TOTAL BUDGET PERIOD COST **TOTAL PROJECT PERIOD COST** 10/01/2000 - 08/31/2001 10/01/2000 - 08/31/2001 \$42,000.00 \$42,000.00 NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement. OFFER AND ACCEPTANCE The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the The Hopi Tribe for 100.00 % of all approved costs incurred for the support of approved budget period effort described in application (including up to and not exceeding \$42,000 all application modifications) cited in the Project Title and Description above, signed 02/15/2001 included herein ISSUING OFFICE (GRANTS MANAGEMENT OFFICE) AWARD APPROVAL OFFICE ORGANIZATION / ADDRESS ORGANIZATION / ADDRESS U.S. EPA, Region 9 U.S. EPA, Region 9 Grants Management Office, PMD-7 Water Division 75 Hawthorne Street 75 Hawthorne Street San Francisco, CA 94105 San Francisco, CA 94105 THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY SIGNATURE OF AWARD OFFICIAL TYPED NAME AND TITLE DATE FEB 27 2004 Aizalien Melinda Taplin, Grants Management Officer This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA. BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION TYPED NAME AND TITLE Wayne Taylor Jr., Chairman

> MAR 1 9 2001 ... DMN-6 2/20/01

GMO. PMD-7

RECEIVED

EPA Funding Information

FS - 98969501 - 1 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
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Local Contribution	\$ 0	\$	\$ 0
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Allowable Project Cost	\$ 42,000	\$ 0	\$ 42,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority	
66.468 - Safe Drinking Water State Revolving Fund	Safe Drinking Water Act Section 1452	40 CFR PART 31	

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Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation Deobligatio
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	-								
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Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost			
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6. Contractual	\$40,000			
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--- end of agreement --